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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,221	03/14/2001	Samuel Wong	14098	2812

7590

07/07/2003

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,221

Applicant(s)

WONG ET AL.

Examiner

Ruth C. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species I in Paper No. 4 is acknowledged.
2. Claims 9-18 were withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

Information Disclosure Statement

3. The information disclosure statement filed 31 May 2001 has been considered for this Office Action.

Specification

4. The disclosure is objected to because of the following informalities: Page 9, lines 8 and 9, "28" (all occurrences) should be changed to --30--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by St. Germain (US 4,043,581).

An anchoring apparatus comprises a flexible connector member (2) and a fastener (14). The flexible connector member has an end (20) and a loop (10). The loop defines an aperture that is capable of being configured to receive and retain an anchor bolt (6) (Fig. 1). The loop configured with a twist (Figs. 2-4).

The loop disclosed by St. Germain is configured with a plurality of twists (Figs. 2-4). The fastener is disposed to secure the end and retain the twists in the loop (Figs. 2-4).

A method for making an anchoring apparatus comprising: (a) providing a flexible connector member (2) having an end (20); (b) forming a loop (10) in the connector member (Figs. 2-4); (c) forming a twist in the loop (Figs. 2-4); and (d) securing the end to the connector member to retain the twist in the loop and to define an aperture to receive and retain an anchor bolt (6) (Figs. 1-4).

The method disclosed by St. Germain further comprising forming a plurality of twists in the loop and the step of securing the end further includes retaining the twists in the loop.

7. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Beasley et al. (US 4,239,271).

An anchoring apparatus comprises a flexible connector member (10) and a fastener (18). The flexible connector member has an end (14) and a loop (Figs. 1-5). The loop defines an aperture that is capable of being configured to receive and retain an anchor bolt (Figs. 1-5). The loop configured with a twist (46) (Figs. 1-5).

The connecting member disclosed by Beasley comprises a fabric material (Figs. 1-5).

Beasley discloses that the fastener comprises stitches (18) (Figs. 1-5).

8. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Davidson (US 5,848,667).

An anchoring apparatus comprises a flexible connector member (10) and a fastener (16c). The flexible connector member has an end (16b) and a loop (24). The loop defines an aperture (24) that is capable of being configured to receive and retain an anchor bolt (Figs. 1 and 4). The loop configured with a twist (Figs. 1 and 4).

Davidson discloses that the connecting member comprises a fabric material (Figs. 1 & 4).

The fastener disclosed by Davidson comprises stitches (16b) (Figs. 1 and 4).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beasley in view of St. Germain.

Beasley discloses a method for making an anchoring apparatus comprising: (a) providing a flexible connector member (10) having an end (14); (b) forming a loop in the connector member (Figs. 1-5); (c) forming a twist (46) in the loop (Figs. 1-5); and (d) securing the end to the connector member to retain the twist in the loop and to define an aperture (Figs. 1-5).

Beasley fails to disclose that the aperture receives and retains an anchor bolt. However, St. Germain teaches a method for making an anchoring apparatus as mentioned above in paragraph

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6 for the rejection of claim 5. Germain teaches that it is well known in the art to use an aperture in the anchoring apparatus to receive and retain an anchor bolt (6) (Fig. 1). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the anchoring apparatus disclosed by Beasley receiving and retaining an anchor bolt as taught by St. Germain. Doing so, is well known in the art because the anchor bolt provides a support for the anchoring apparatus.

The connector member disclosed by Beasley comprises a fabric material (Figs. 1-5).

Beasley also discloses that securing the end comprises stitching the end to the connector member (Figs. 1-5).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McC. Garris (US 2,082,828), St. Germain (US 4,240,659), Beggins (US 4,414,712), Parsons (US 5,339,498) and Kerg et al. (US 6,301,753 B1) are cited to show state of the art with respect to anchoring apparatus having some of the features of the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881.

The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please

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do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

RCR
rcr

June 27, 2003


ROBERT J. SANDY
PRIMARY EXAMINER